

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**JALAL BLAND,
Plaintiff,**

v.

Case No. 10-C-0121

**MILWAUKEE COUNTY BEHAVIORAL
HEALTH DIVISION, et. al.,
Defendants.**

ORDER

Plaintiff Jalal Bland has filed this action pursuant to 42 U.S.C. § 1983 against the Milwaukee County Behavioral Health Division and two of its staff psychiatrists, Dr. Varma and Dr. Luca Alverno. Ordinarily, a plaintiff must pay a statutory filing fee of \$350 to bring an action in federal court. 28 U.S.C. § 1914(a). Plaintiff, however, has requested leave to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915.

Section 1915 is meant to ensure indigent litigants meaningful access to federal courts, Nietzke v. Williams, 490 U.S. 319, 324 (1989), and applies to both nonprisoner plaintiffs and to plaintiffs who are incarcerated, Floyd v. United States Postal Serv., 105 F.3d 274, 275-77 (6th Cir. 1997) (“[T]he only logical interpretation of the statute is that non-prisoners have the option to proceed in forma pauperis under § 1915(a).”). Here, the heightened requirements of the Prison Litigation Reform Act do not apply. See West v. Macht, 986 F.Supp. 1141, (W.D. Wis. 1997). Under § 1915, an indigent party may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the

nature of the action, defense or appeal and the affiant's belief that the person is entitled to redress." 28 U.S.C. § 1915(a)(1).

Plaintiff has filed the required affidavit of indigence. Upon review of that affidavit, the court is satisfied that plaintiff meets the poverty requirements of 28 U.S.C. § 1915. According to the affidavit, plaintiff has no income or assets. Additionally, plaintiff has stated the nature of this § 1983 action and asserted his belief that he is entitled to redress.

THEREFORE, IT IS ORDERED that plaintiff's request to proceed in forma pauperis is **GRANTED**.

Dated at Milwaukee, Wisconsin this 18 day of February, 2010.

/s _____
LYNN ADELMAN
District Judge